



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

## SENATE

FOREIGN AFFAIRS, DEFENCE AND TRADE  
REFERENCES COMMITTEE

**Reference: Economic, social and political conditions in East Timor**

THURSDAY, 9 DECEMBER 1999

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**SENATE**  
**FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Thursday, 9 December 1999**

**Members:** Senator Hogg (*Chair*), Senator Brownhill (*Deputy Chair*), Senators Bourne, Lightfoot, Quirke and West

**Participating members:** Senators Abetz, Bolkus, Boswell, Brown, Calvert, Chapman, Cook, Coonan, Crane, Eggleston, Faulkner, Ferguson, Ferris, Forshaw, Gibbs, Gibson, Harradine, Hutchins, Knowles, Mason, McGauran, Murphy, Parer, Payne, Tchen, Tierney and Watson  
Senators Allison and Bartlett for the committee's inquiry into the economic, social and political conditions in East Timor

**Senators in attendance:** Senators Brownhill, Hogg and Lightfoot

**Terms of reference for the inquiry:**

- (a) economic, social and political conditions in East Timor including respect for human rights in the territory;
- (b) Indonesia's military presence in East Timor and reports of ongoing conflict in the territory;
- (c) the prospects for a just and lasting settlement of the East Timor conflict;
- (d) Australia's humanitarian and development assistance in East Timor;
- (e) the Timor Gap (Zone of Cooperation Treaty); and
- (f) past and present Australian Government policy toward East Timor including the issue of East Timorese self-determination.

**WITNESSES**

**BIRD, Ms Gillian Elizabeth, First Assistant Secretary, South and South-East Asia  
Division, Department of Foreign Affairs and Trade ..... 1009**

**DAUTH, Mr John Cecil, Deputy Secretary, Department of Foreign Affairs and  
Trade ..... 1009**

**DAWSON, Mr Anthony Scott, Assistant Director General, Indonesia, China and  
Philippines Branch, AusAID ..... 1009**

**MULES, Mr Neil Allan, Assistant Secretary, Maritime South-East Asia Branch,  
Department of Foreign Affairs and Trade ..... 1009**

**POTTS, Mr Michael John, First Assistant Secretary, International Organisations  
and Legal Division, Department of Foreign Affairs and Trade ..... 1009**

**Committee met at 8.03 a.m.**

**BIRD, Ms Gillian Elizabeth, First Assistant Secretary, South and South-East Asia Division, Department of Foreign Affairs and Trade**

**DAUTH, Mr John Cecil, Deputy Secretary, Department of Foreign Affairs and Trade**

**DAWSON, Mr Anthony Scott, Assistant Director General, Indonesia, China and Philippines Branch, AusAID**

**MULES, Mr Neil Allan, Assistant Secretary, Maritime South-East Asia Branch, Department of Foreign Affairs and Trade**

**POTTS, Mr Michael John, First Assistant Secretary, International Organisations and Legal Division, Department of Foreign Affairs and Trade**

**CHAIR**—I declare open this meeting of the Senate Foreign Affairs, Defence and Trade References Committee, which is inquiring into economic, social and political conditions in East Timor. The meeting is a continuation of one held on Monday of this week. I welcome back the officers of the Department of Foreign Affairs and Trade and AusAID. The committee prefers all evidence to be given in public but, should you at any stage wish to give any part of your evidence in private, you may ask to do so and the committee will consider your request. You will not be required to comment on the reasons for certain policy decisions or the advice which you have tendered in the formulation of policy or to express a personal opinion on matters of policy. I understand that Mr Potts has a statement to make on the Timor Gap Treaty. Are there any other opening statements?

**Mr Dauth**—No, Senator.

**CHAIR**—Over to you, Mr Potts.

**Mr Potts**—Many thanks, Mr Chairman. I would like to report recent developments in relation to the Timor Gap Treaty, against the background of the government's wish that there be a smooth transition of the treaty from Indonesia to East Timor. I know that your own committee has the same interest. We last provided a report on this subject on 11 November this year. Since then, there have been some developments of note. These have reinforced our confidence that a transition of the treaty is possible and that the United Nations and key players amongst the East Timorese support such a process. The question is, however, a complex one, and the transition process is being worked through. We regard a prompt and smooth transition as very important for investor confidence, for continuing petroleum exploration and development in the zone of cooperation.

You will recall that our approach to the transition of the treaty has been on the basis that Indonesia no longer has any standing under the treaty, following recent events, including the popular consultation on 30 August, the adoption of Security Council resolution 1272 on 25 October and the Indonesian MPR decree on the separation of East Timor. To take account of this new situation, and bearing in mind the publicly expressed wishes of key East Timorese

leaders for the treaty to continue in its current form, we have given priority to discussing with the United Nations how best to bring this about.

The United Nations has indicated to us its willingness to act on behalf of the East Timorese as Australia's partner in relation to the Timor Gap for the period of East Timor's transition to independence. We are now engaged with the United Nations in more detailed discussions on the modalities to give effect to the continuity of the treaty. This has been a priority for the government. I would note that the matter has been raised by the Prime Minister and by the foreign minister with the United Nations Transitional Administrator for East Timor, Mr Sergio Vieira de Mello and it has been pursued in official levels discussions both in New York and elsewhere.

Most recently, officials from the Department of Industry, Science and Resources, the Attorney-General's Department and DFAT visited Darwin for discussions on 4 December with representatives of the United Nations and the CNRT. The presence at the talks of Mr Xanana Gusmao was a clear indication of the importance which the CNRT leadership attaches to the issue. Notable also, and I highlight this, was the very close cooperation between the United Nations and East Timorese participants at the discussion. It is clear that this process of consultation and collaboration between them will intensify as the United Nations transitional authority in East Timor establishes itself in greater strength in East Timor.

The overall outcome of the discussions was encouraging. The United Nations indicated that it was comfortable with our suggestion that the transition be effected by an exchange of notes. It indicated also that it would shortly be consulting East Timorese leaders in Dili on our proposed text for the exchange of notes. The United Nations also indicated that the transitional administrator, Mr Vieira de Mello, proposes to raise Indonesia's disengagement from the treaty when he visits Jakarta from 12 December. We would at that stage expect further discussions with UN officials to carry the process forward.

The discussions in Darwin also provided the opportunity to explain in some detail to the UN and East Timorese participants the range of operational and other practical issues that require early resolution. We also briefed industry representatives in considerable detail after the talks. They remain supportive of the process, although they are naturally anxious to have early final agreement for the transition. The government shares that perspective.

I would note also that Mr Gusmao took the opportunity of his visit to Darwin for face-to-face discussions with industry representatives. Overall, Mr Chairman, we can report good progress. Understandably, however, the transition process is complex; and we will be happy to stay in touch with you as that transition proceeds.

**CHAIR**—Thank you, Mr Potts. I have one question. I understood that Phillips Oil announced a \$1.4 billion development project in that area. Can I assume that that project is proceeding as normal, as a result of this? Is that the indication that you have from them?

**Mr Potts**—That is certainly the case. The vice-president of Phillips was in Darwin, visiting from the United States. He spoke directly with Mr Gusmao. We also spoke to him

and his colleagues. They are certainly committed to the development of Bayu-Undan, and detailed development plans are now under way.

**CHAIR**—At the hearing of the committee on 11 November this year, Mr Payne of the Department of Industry, Science and Resources said:

To facilitate an understanding of the treaty arrangements by United Nations officials and East Timorese representatives, we have suggested the idea of running a workshop in December . . .

Has that workshop taken place?

**Mr Potts**—The workshop was envisaged as an initiative of the Department of Industry, Science and Resources. We discussed that in Darwin with both UN and CNRT representatives. They requested a postponement of dates and we are now looking at the middle of January. The workshop would have strong UN participation and also a range of East Timorese participants. We are discussing at the moment whether it should be in Darwin or perhaps now it would be possible to have it in Dili. That is being worked through. DISR has quite well developed plans for the agenda and for the logistics of the meeting.

**Senator BROWNHILL**—One of the things that concerns me and a lot of other people is the capability of East Timor being self-sufficient in the future. If you go back over policy decisions over the years, that was always one of the things that was discussed in relation to autonomy and independence. Using a ballpark figure, what is the Timor Gap going to mean in actual dollar terms in the hands of the East Timorese? What is the longevity of the field? Are there any prospects for a lot more finds in the East Timor area?

**Mr Potts**—In response to that, I should say first of all that I am not an expert on the geology aspects. I can provide further information through DISR. I can say a few things, however. The first is that at the moment there is only one small producing field. Bayu-Undan will come on stream over the next three to five years and that will significantly change the profile of production and revenue. The revenue figures are in the order of \$3 million to \$5 million per year. They are divided after the joint authority takes its overhead for administrative costs, and at the moment they are divided equally between Indonesia and Australia. We are talking quite small figures, perhaps below \$2 million a year. That will start to build up as Bayu-Undan production builds up, and the sort of figure that we are envisaging by 2003 to 2005 would be in the order of several tens of millions of dollars. It is difficult to be more specific because it is not possible to predict exactly what the prospectivity of Bayu-Undan is going to be, but in that order I would think.

**Senator BROWNHILL**—But it is not going to be a gusher?

**Mr Potts**—No, we are not talking about an El Dorado. The other prospect is, of course, that there will be further fields in the zone of cooperation. As there is a fair amount of exploration going on, that remains a possibility.

**Senator BROWNHILL**—Is there a lot of work going on there now or not?

**Mr Potts**—There is a considerable level of exploration.

**Senator BROWNHILL**—Mr Dawson, AusAID asked me in relation to the comments that I made at the previous hearing about out-of-date pharmaceuticals and that sort of thing and inappropriate aid that had been given in the past to different places where I had read or heard them. They were definitely in a newspaper somewhere, and I will find them. They were not a nasty accusation about anyone; they were just comments that were made. I think they may have been in one of the Sunday papers. I am trying to get someone to go back through the papers to see where the comments were made. I will keep on trying to find the source of them, and if I do not I will have to retract them. They were not a nasty accusation. I think at the time the chairman said he had seen them somewhere, too. The fact is I should have cut them out. It is always the way: you read something interesting in the paper and you store it away in your mind, but you should cut it out at that particular stage. You haven't found them, have you?

**Mr Dawson**—No, not at all. To add to what I said the other day, there are some guidelines that humanitarian agencies are expected to operate under with respect to the provision of pharmaceuticals. Those guidelines include recommended or approved lists of pharmaceuticals approved by the World Health Organisation. What we have been told in the context of the international humanitarian appeal is that, to ensure that appropriate materials were imported, the World Health Organisation provided donors with guidelines for drug donations. We can only assume that if something were provided outside those guidelines.

**Senator LIGHTFOOT**—Mr Dauth, I do not know whether this question is for you or for your colleagues. I am sure you will allocate it if it is not within your particular expertise. With respect to the exclusive economic zone, has that been set and accepted yet for East Timor?

**Mr Dauth**—The short answer is no.

**Mr Potts**—The answer is no. The reason for that is that there has been not been a maritime delimitation agreement with East Timor. In 1972, when the maritime agreement with Indonesia was struck, a gap was left obviously because of the Portuguese administration of East Timor. It became the famous Timor Gap. Even after Indonesia assumed responsibility for East Timor, it was not possible to reach agreement on the seabed boundary. That was the basis for coming to, if you like, a working arrangement for resource exploitation in the Timor Gap embodied in the Timor Gap Treaty. The question of maritime delimitation and then the EEZ is still to be discussed.

**Senator LIGHTFOOT**—Do you expect there to be any problems with setting it along an angle that is as near as right angles to the boundary between East and West Timor? Do you expect there will be some struggle to find out where that boundary will be set?

**Mr Potts**—It will depend very much on the make-up of East Timor's future government. It is probably not a priority at the moment given that we have only just started the transitional administration. This is probably an issue that an independent government would want to put its mark on. I suspect that UNTAET would not want to negotiate on East Timor's behalf. They would prefer to leave it until after independence. There have been one or two suggestions from East Timor leaders that they at some stage will look to the maritime delimitation agreement.

**Senator LIGHTFOOT**—In effect, that has to be done, doesn't it?

**Mr Potts**—The Timor Gap Treaty has had 40 years from its signature. That is its period of operation. At some stage certainly a definitive agreement will have to be arrived at. It may not be a pressing issue. It will really be a call for the new government in Dili, I think.

**Senator LIGHTFOOT**—Let us get out of the southern side of the island and go to the enclave of Oecussi. How is an exclusive economic zone or an economic zone going to be fixed for the enclave?

**Mr Potts**—I am not a lawyer. My understanding is that it would be fixed in the same way that, if you like, the eastern part of the island, East Timor, generated reference points and so on. The two points—one either side of the enclave—would then generate lines out into the Timor Sea.

**Senator LIGHTFOOT**—You would expect them just to be parallel lines going out at perhaps 90 degrees from the coastline? Do you foresee any problems with Indonesia in setting those international boundaries with respect to the exclusivity of those areas, particularly with respect to oil and gas? That is the point of my question.

**Mr Potts**—It would be rash to predict the negotiations and how Indonesia or, for that matter, an East Timorese government would react. It is certainly characteristic of maritime negotiations that they can be pretty tenacious and very complex. That has been our experience not just with Indonesia but with other countries with which we have negotiated maritime agreements.

**Mr Dauth**—We will not be involved in the negotiation of these boundaries. There is no reason to believe that it would be any more difficult than these negotiations are in the ordinary course of events. It is really too early for us to give you any definitive indication, with the best will in the world.

**Senator LIGHTFOOT**—But in terms of a newly emerging nation wanting to be economically independent, that boundary, particularly on the southern side, would be crucial to its economic independence at least. Wouldn't you agree, Mr Dauth?

**Mr Dauth**—I certainly do. As Mr Potts has said, on the southern side in the area where the resources are most clearly defined, there is a working arrangement in place.

**Senator LIGHTFOOT**—A working arrangement with whom?

**Mr Dauth**—With Australia. It is one that we do not anticipate difficulties with the Indonesians about. Implicitly, it is a very solid point to say that these are important issues for a new country to tidy up. In terms of the likelihood of difficulties, we have no indication that there will be any more difficulty than these sorts of negotiations typically generate.

**Senator LIGHTFOOT**—So you would expect, then, that there will be a complete sovereign transfer under the same agreement that exists with respect to the gap, the coffin,

the revenue sharing, the exclusive area that will now go to East Timor and Australia's exclusive area? They will remain the same? You do not see any further negotiations?

**Mr Dauth**—There is a very good chance of that. We have encouraging indications from all the parties that arrangements will be able to be settled in a sensible and equitable sort of way.

**Senator LIGHTFOOT**—What about any onshore facilities or infrastructure with respect to the exploitation of the hydrocarbons that are well known to be in that area and others that are expected to be discovered to extend the life of both the exclusive and the shared areas there? What infrastructure do you expect to be built on East Timor? If it is not to be built there, where is infrastructure going to be built to exploit the gas and condensate and oil?

**Mr Dauth**—Mr Potts is far more expert than me. The short one-line answer is that we really do not know. It is essentially a matter for investors rather than for governments.

**CHAIR**—I will interpose. I thought we had evidence before this committee that infrastructure would be built in Darwin because of the difficulties in bridging the East Timor trench there.

**Mr Dauth**—Mr Potts is far more expert. Essentially the issues are for investors rather than for governments.

**Mr Potts**—There are a couple of points to make. The first is that the Department of Industry, Science and Resources would probably give a more complete answer. I know that from discussions with the companies and so on they are conscious that there could be some advantages in deploying some of their infrastructure in East Timor. There is talk, for example, of a facility on the south coast which would provide a helicopter base for logistical movement and so on. We would also expect, obviously, that the headquarters of the joint authority would at some stage move shortly out of Jakarta. It could well stage through Darwin for some little time. Eventually, we would expect it to be located in Dili. To take up the Chairman's point, there is a strong expectation that most of the infrastructure will certainly centre on Darwin and its immediate surroundings.

**Senator LIGHTFOOT**—What about the protection of that infrastructure that exists there now, such as the deep wells, the facilities for mooring tankers and so on? Who looks after that? What sort of protection does the Australian government give, if any, for the protection of those installations that exist at the moment?

**Mr Potts**—I would prefer to take that on notice and get back to you, partly because it involves consultations with the Department of Defence. There are certainly arrangements that are provided for in the Timor Gap Treaty in terms of patrolling and so on; but, rather than give you an incomplete answer, I would prefer to take it on notice, if I may.

**Senator LIGHTFOOT**—All right. Mr Potts, the point of my questioning, to be more specific about it, is this: does the Australian Navy offer protection? If so, what is that cost—bearing in mind that the equity in the area is now majority-owned by an overseas entity?

That is the reason for my question, and if you could frame your answer to satisfy that particular area I would appreciate it very much indeed.

With respect to CNRT, is it a matter now of everyone going to CNRT to establish an agreement, no matter what? Are you going there to establish an agreement on the treaty? Are you going there to establish onshore facilities? Are you going there to establish what sort of political infrastructure or political direction it is taking? Why CNRT, and why not other areas of East Timor?

**Mr Dauth**—It is a very good question you ask; but the point is of course that CNRT has no formal standing.

**Senator LIGHTFOOT**—That is what I understand, but you mentioned, Mr Dauth, that you were negotiating with them.

**Mr Dauth**—Involving CNRT or the representations of that broad coalition of interests who represent the East Timorese people—which is what CNRT is: it is not a political party itself. It is an umbrella coalition of recent origin, representing all of the major political groupings, except of course those who opposed independence. Involving them in processes is an essential part of nation building. But authority in East Timor rests with the UN. Any formal negotiations with people responsible for East Timor must be with the UN, and must be with Sergio Vieira de Mello and his, as it were, administration.

He is very keen, I think, to engage not just CNRT but indeed those East Timorese who feel they are outside of the CNRT umbrella, and he has made specific provision for that in the very early arrangements that he has made. I think the point you are implicitly making is a sound one but, on the other hand, I think it is not a sensible thing for him or for us or for anyone else not to be drawing as many of the East Timorese into decisions about their future as possible.

**Senator LIGHTFOOT**—Is there any likelihood that CNRT, instead of being a coalition of political groups, will emerge—as it appears to me in fact to be emerging—in such a way that there must be some person, some single entity, some single individual, who speaks on behalf of CNRT. Are you aware of who that is?

**Mr Dauth**—Plainly, the most prominent representative of CNRT is Xanana Gusmao. At this stage in East Timorese's fledgling history, he stands out plainly as the spokesman for all of that side of the East Timorese people who were in favour of independence. They are the overwhelming majority. It is not appropriate, or for that matter helpful, for us to be too precise in talking about the future here. The CNRT is a very disparate group. It is a very disparate coalition.

**Senator LIGHTFOOT**—By disparate, you mean that it is made up of—

**Mr Dauth**—Those who have quite different views of political forms and policies. I have quite a strong expectation that some groups will go their own way. Many in CNRT say that that is a very good thing. There is quite a strong sense, in a way that I find quite admirable, that they do not want a one-party state in East Timor. They want the opportunity for political

groups to flourish in their own right and to be part of a quite diverse body politic in East Timor in the future.

**Senator LIGHTFOOT**—What are the names of the most important potential political leaders there? Does your department see Bishop Belo emerging as a political leader?

**Mr Dauth**—This is getting into territory which has some sensitivities to it. I do not have a sense that Bishop Belo sees himself as the leader of a political party in East Timor. He is clearly an extremely important figure in East Timor. He has provided not just—

**Senator LIGHTFOOT**—He obviously is in a spiritual sense. What about in a political sense?

**Mr Dauth**—Plainly, he has been a very important figure in the independence struggle in East Timor. He is a very significant contributor to the discussions that go on among the leadership elite in East Timor. I do not think in the future he sees himself as the leader of a political party. Other people do. Clearly Xanana is a person who most believe will be a very significant political figure in the future of East Timor. There are others.

**Senator LIGHTFOOT**—And Jose Ramos Horta?

**Mr Dauth**—Plainly.

**Senator LIGHTFOOT**—He will be an important and necessary part of that political evolution?

**Mr Dauth**—It is always unwise to make predictions about politics. That is how he sees his future, I am sure.

**Senator LIGHTFOOT**—Who does your department negotiate with now, looking towards the future of our relationship and the pre-eminent relationship we want to build with East Timor? Who does your department negotiate with now? Who is likely to emerge as a political power or power broker?

**Mr Dauth**—We are not negotiating with anyone. I will refine the question a little. You might ask me who does James Batley, as your representative in East Timor, deal with on a day-to-day basis?

**CHAIR**—We do not mind how you couch it.

**Mr Dauth**—I am trying to be helpful.

**CHAIR**—You are being very helpful.

**Mr Dauth**—Batley's formal responsibilities as the Australian representative in that territory are to de Mello and the United Nations. They are, as it were, the government of East Timor. Naturally, we have specifically encouraged him to have an open dialogue with other figures who are already important participants in the process. They are people who de

Mello himself is trying to bring into the process. Clearly, Xanana is the pre-eminent figure there. There are many others. There are Belo, Ramos Horta and quite a significant range of other people. This is not a large country or a big territory. James Batley is a particularly able and industrious diplomat. I expect that he already knows virtually all of the potential leaders of East Timor. As to who will emerge and head the first government in a couple of years, it would be very unwise for us to be making predictions of that sort at this time.

**Senator LIGHTFOOT**—What apprehension does the Australian government have with respect to the type of political entity that will emerge? Are we using some sort of subliminal guidance here to see that we have a middle-of-the-road political entity emerging? Do we offer some encouragement or advice? Do we have political advisers that are assisting this tragically war-torn nation to come out the best possible way and not have, for instance, a unilateral political body such as the ones that have emerged in Africa and other countries at times to the detriment of those countries?

**Mr Dauth**—It would be very unwise of the Australian government to try to, as it were, develop and sell a model.

**Senator LIGHTFOOT**—I think I framed my question away from that aspect of it. I was perhaps asking about some encouragement.

**Mr Dauth**—It would be something to which I am sure there would be a negative reaction. We would have, as it were, a counterproductive effect.

**Senator LIGHTFOOT**—I agree.

**Mr Dauth**—I think we will determine in the future, as we have with a number of other small neighbours, to respect the sovereignty and the decisions of the body politic in other countries. The United Nations will develop the forms of government that they will be leaving behind. When we are asked—and we often will be—by the leadership of an independent East Timor for advice and help, we will provide it. I do not think that, for example, our current assessment is that there is a risk of the emergence of a nasty totalitarian one-party state. I take it implicitly that that is what you are concerned about. We do not have a sense that that is the direction in which a future East Timor is going. But it is a bit hard to tell. As I say, any efforts by us in any crude or overt way to impose political forms on East Timor would, I am sure, be counterproductive.

**Senator LIGHTFOOT**—Everyone would agree with you. What about the very foundations that it appears are being laid at the moment? I mention that a unitary state would be most undesirable, in my view. What about other encouragement? It is one thing to say that when we are asked we will respond. However, what about being pro-active in a case like this and the Australian government, for instance, offering the expertise of the Australian Electoral Commission? Do you think that is in order? If it is, has that taken place?

**Mr Dauth**—It is again too early. The Australian Electoral Commission has already played a very honourable role in East Timor. The time for an election to be held in East Timor is really quite a long way off. There is an enormous amount of work to be done by the UN, not by us. When that happens, I would have thought one very obvious option for the

East Timorese, the UN and us would be to offer the assistance of the Australian Electoral Commission. They played a honourable role there. They did in Indonesia too. It is the sort of democratic asset that I would be surprised, frankly, if the UN and the East Timorese did not take advantage of it in the future.

**Ms Bird**—Under the UN transitional administration, there is a governance area that is one of the key parts. It will have an electoral affairs component. The UN is very conscious of the need to prepare the ground for national elections two to three years hence. A lot of work will be done through the UN in training and setting up the parties and the whole process. It is something the UN will work on over the next couple of years, leading eventually to a national election.

**Senator LIGHTFOOT**—Let me change tack slightly. The future of East Timor is uncertain. It is uncertain economically, it is uncertain politically, but what about the ability of East Timor to economically stand on its own feet? Do you have some goal in mind as to when that would be so, or is that now completely under the control of the United Nations? If it is under the control of the United Nations, what cost is Australia still contributing to that stability now that it is at least partially or totally under the control of the United Nations?

**Mr Dauth**—Yes, it is, to use your words, completely under the control of the UN. We have no authority or sovereignty in East Timor. That now resides with the United Nations, so they are now responsible for East Timor's economic situation and development. That said, we are significant contributors to the process of humanitarian relief and rehabilitation—and I will get Mr Dawson to talk a bit more about exactly what we are doing at the moment and the immediate prospective commitments on our part. We would, I expect, go on being a significant contributor to East Timor in the future. I think they are going to need international assistance for quite a long time to come. We certainly do not expect to be the sole contributor by any means. We are looking very strongly to a situation where a range of other countries, which have an interest in East Timor's future, share the burden of support for East Timor with us as long as the support is needed.

**Senator LIGHTFOOT**—Would you be kind enough to name those countries.

**Mr Dauth**—Some come immediately to mind, such as Portugal, the former colonial power. I think the Japanese have indicated already that they will be a significant contributor, and the European Union more generally. The Japanese—I think quite rightly as one of the world's two major aid donors—are clearly taking a lead in this respect.

**Senator LIGHTFOOT**—What about the United States?

**Mr Dauth**—We would expect some support from the United States as well.

**Senator LIGHTFOOT**—You would expect some, but there has been none at this stage.

**Mr Dauth**—I do not think that is fair at all. I do not have the detail—Mr Dawson may—but I think they have contributed through the significant support which the United States provided to INTERFET and I am sure that United States money is being channelled

through NGOs into East Timor. I think it would be quite unfair to say that there has been no United States support for East Timor.

**Mr Dawson**—The last time I looked at the figures, the United States was the largest contributor to the humanitarian effort—

**Senator LIGHTFOOT**—Into East Timor through the United Nations?

**Mr Dawson**—Partly through the United Nations and partly bilaterally.

**Senator LIGHTFOOT**—Who are they dealing with bilaterally?

**Mr Dawson**—In the sense that there was provision of emergency food aid and there were also contributions to United Nations organisations.

**Mr Dauth**—There is an important point which I have not covered in all of this. The answer to your question about East Timorese economic viability is really very unclear. We cannot give you a definitive answer about that. We are committed to trying to assist East Timor to become as viable as possible and the World Bank report—the joint assessment mission report which was recently developed under the auspices of the World Bank—is moderately optimistic about East Timor's longer term future.

It is not in any sense a pollyanna-ish document, but it does say that East Timor has assets and, properly managed, without an indulgent government approach, and in particular without an indulgent bureaucracy, there is a prospect that East Timor can develop something approaching economic viability. In the short and medium term, they are certainly going to need a lot of assistance. We are going to be part of that but not all of it, and I think all of us are hoping that an administration will be developed in East Timor by the United Nations which will be able to manage the resources available to them sensibly and well.

**Senator LIGHTFOOT**—So there is no plan emerging yet, no five-year, 10-year or 20-year plan where you would expect East Timor, through tourism, through oil revenue, through agricultural exports, to be self-sustainable?

**Mr Dauth**—There is not a plan of that sort but there is, as I say, the report of the joint assessment mission. It would not be proper to describe it as an economic blueprint but it certainly gives lots of very clear indicators as to the future economic management of East Timor. That document is there. I am sure that document is extremely familiar to Sergio de Mello, who is the administrator of East Timor. He is an extremely capable person putting together a good team. So I think you have got a really good start. Right at the beginning there is plenty of guidance there for him and a capable team. I think there is every prospect that they will kick off in just the right sort of way.

**Ms Bird**—Reconstruction is the immediate focus, and then beyond that the sort of work that the World Bank and the IMF have done in the joint assessment mission will help build the path for future economic development once the reconstruction phase is gone through.

**Senator LIGHTFOOT**—I imagine that that reconstruction that you talk about is already under way.

**Ms Bird**—Yes.

**Mr Dauth**—And it has been in a very encouraging way for some time. A lot of people got about the business of rebuilding even before INTERFET had fully met its requirement to restore peace and security. There has been a lot of very admirable activity, including by a lot of very admirable Australians.

**Mr Dawson**—If I might come back to the issue of economic viability, it is important to note that East Timor is primarily an agricultural economy at the moment. Something between 70 and 80 per cent of the population basically get their livelihood from agriculture. As the joint assessment commission report notes, East Timor is not without some good prospects in the agricultural area. They have in the past had a viable cattle trade with the rest of Indonesia. Coffee production is one area of cash cropping which has been very successful, trading on the sort of biological purity of the crop that they grow. There are other areas of potential in the cash cropping area. There are areas of the country which are extremely productive for normal food crops. So I think there are some good prospects there. Through the assistance Australia has provided previously we have worked in the agricultural area. We now have agricultural advisers back in East Timor. Obviously subject to the discussions that will go on over the next month or so with other donors about potential areas of focus for individual donors, agriculture is one area that we would clearly be looking at making a major contribution to.

**Senator LIGHTFOOT**—Given the fact that the United Nations is now fully responsible for East Timor, when would it be likely that Australia would cease contributing directly to East Timor in a monetary sense? I say that because Australia is a fully paid-up donor to the United Nations. When would we expect to cease having to contribute in a monetary sense, in a direct aid sense, to East Timor?

**Mr Dauth**—I do not think we will cease to contribute directly. I think that UN agencies have resources that they will bring to East Timor. The UN is in effect the government, so in a sort of crude and in some ways misleading way we can regard Sergio de Mello and his people as if they are a sovereign government. They are not a sovereign government but they are responsible for East Timor as if they were a sovereign government.

**Senator LIGHTFOOT**—I understand.

**Mr Dauth**—We will, I think, continue to contribute to their efforts and the efforts of their councils, which will include the East Timorese, as if they were a sovereign government. We will have an aid program in East Timor, I should have thought, for some time to come—not just us, of course, but other contributors such as the Portuguese, the Japanese, the Europeans and the Americans.

**Senator LIGHTFOOT**—My last question concerns the very important area of our relationship with Indonesia. No-one could rationally deny that Indonesia is the most important neighbour that we have to our immediate north. Mr Dauth, what arrangements—if

any—have been made involving Indonesia in at least some of the developments in East Timor mainly to ensure that that wrathful period that Indonesia is going through at the moment—and that wrath is almost entirely directed towards Australia—is minimised? Are there any arrangements for continuing bilateral discussions over the development of East Timor? I mean, for instance, discussions about the Gap, fishing rights and the development of the areas along the border.

**Mr Dauth**—This is actually one of the most positive developments of recent months. Privately, it was always one of my greatest worries that there would be a legacy of bitterness between East Timor and Indonesia which would pose all sorts of problems for East Timor, Indonesia and us as neighbours. But in fact there have been some really quite remarkable developments in that respect.

The President of Indonesia has spoken very openly, plainly and frankly about the need for Indonesia to develop a healthy state to state relationship with an independent East Timor. Most spectacularly of course, Xanana Gusmao, with whom President Abdurrahman Wahid has long had a relationship, has visited Jakarta and has had some extremely sensible and constructive discussions not just with the President but with a wide range of political leaders in Jakarta. I hesitate to say that surprised me because it would be wrong to offer that sort of judgment but it is a striking and positive set of developments which bodes very well for the future of Indonesia-East Timor relations. As I say, in many ways that is the most hopeful development of recent months.

**Senator LIGHTFOOT**—What about our contacts with Indonesia as well? Are they progressing? Are they deteriorating? Are we making ground? Are they improving?

**Mr Dauth**—To ask about the Australia-Indonesia relationship is of course to ask about a separate set of issues. I think there has been an enormous amount of public misapprehension about the relationship. There is no question, as ministers have said—the Prime Minister and Mr Downer are very clearly on record saying this—that there have been significant strains in the relationship. I heard the Prime Minister talking about this on Radio National this morning. He has laid all this out very clearly and laid out very clearly how the government is approaching the strains in the essentially political relationship between Australia and Indonesia.

I have to say that an enormous amount of practical day to day dealings in the relationship has proceeded largely unaffected by the strains in the political relationship. This is, in a sense, a real reflection of a maturity in the relationship that has not always been there in the past when we have had difficulties with the Indonesians, as we have had on a number of occasions over the last 50 years when practical arrangements have suffered along with the political relationship.

I think that has been very much less the case this time. To give some examples, there are a number of areas under the broad structure of the ministerial forum, which is the major political management tool in the bilateral relationship. A lot of areas in transport and other areas of cooperation have proceeded quite unaffected. Many thousands of Indonesian students remain in Australia; many Australians have continued to visit Indonesia. In that sense, I think there is an enormous solid base to the relationship, which is a very healthy

basis on which political leaders in both countries can work at rebuilding the political relationship. I think there have been plenty of public signals from both Jakarta and Canberra that, in a measured way, at a measured pace and—as the Prime Minister said this morning—with orthodox diplomacy, we will work at rebuilding the relationship. I hope that reassures you about the way in which the government is carrying forward that issue.

**CHAIR**—In an estimates hearing on 5 May, you told the committee that some elements of the TNI had provided weapons to the pro-integrationist militias. When I asked who the so-called rogue elements might actually be, you said:

They are local commanders in East Timor.

You also noted:

The entirety of TNI is centrally controlled. The problem is clearly that some are conducting themselves outside of the command and the control structure.

Is it still your view that the pro-integrationist militias in East Timor were armed and orchestrated by rogue elements within TNI; that is, by local commanders operating outside of the TNI's chain of command?

**Mr Dauth**—I think the answer to your question is both yes and no.

**CHAIR**—That is a very precise answer!

**Mr Dauth**—Our knowledge of what was going on, of course, has never been precise. There has been an enormous amount of information available to us, including information from intelligence sources. While I am not in a position to discuss intelligence matters, I can say that we have had an enormous amount of information available to us in making a judgment of the sort that you are inviting me to make.

**CHAIR**—Where does your yes and no answer fall?

**Mr Dauth**—I am coming to that.

**CHAIR**—That is good; I was a bit worried.

**Mr Dauth**—I think that, with the passage of time, the complicity of TNI became clearer and clearer to us. There is no doubt that, for example, by August, when I appeared before this committee, we were very much more concerned about the level of complicity, about the numbers of people in TNI engaged in active complicity with militia and about the extent to which the broader TNI chain of command was involved. Just exactly how far that extended, who was involved, how entirely complicit TNI was, I cannot give you a judgment either in public or in private that is precise. So the yes is that, I believed then and I believe now, there were a lot of people acting outside of command and control arrangements in TNI. I believe now, in a way which I was not so clear then, that some elements of the TNI command and control at least were involved in that complicity.

**CHAIR**—As early as 6 January, well-informed commentators were taking the view that the arming of the militias was part of a deliberate TNI strategy to subcontract out violence against pro-independence East Timorese, and that this was not a case of rogue elements, rather a TNI strategy, presumably decided and controlled from Jakarta. Do you have any response to this view?

**Mr Dauth**—In a sense, I answered it when I answered the last question. I do not think I have much to add to that.

**CHAIR**—Later in the committee hearing on 5 May you commented:

To the best of our knowledge, General Wiranto is concerned about examples of indiscipline, examples of where TNI has behaved in a way which is inconsistent with the government's responsibilities in East Timor. To the best of our knowledge, he pursues that concern in a forthright way within TNI.

Did General Wiranto pursue the TNI rogue elements in East Timor in a forthright way?

**Mr Dauth**—As I have said in the past, it is not appropriate for us to comment on General Wiranto, who, after all, is a senior minister in the government of a neighbouring country, so I will not do so. I can only say what I said to you before: the extent of TNI complicity in the appalling events that happened in East Timor has been very great. It has extended clearly quite a long way throughout the organisation of TNI, but it is not appropriate for me to talk about individuals.

**CHAIR**—On 13 August, Senator Bourne asked you a question about the presence of Kopassus special forces in East Timor. You replied:

Just precisely what the make-up of the Indonesian military in East Timor is I am not really able to say, not because I am hiding anything but because we do not have definitive information on that. I cannot offer a very clear answer.

... ..

I simply do not know whether it is true.

The DFAT chronology of events used by Mr Downer to brief selected members of the press gallery and obtained by the *Bulletin* includes a reference to discussions on East Timor between Australian and United States officials held in Washington on 16 and 17 August. The Australian side included Mr Mules of DFAT, Brigadier Smith of ADF and a Ms Gillies of AusAID. An extract from the record of the discussions reads:

There was agreement that fundamental security problems remained, including the presence of Kopassus forces and hence the potential for mischief, especially in western regencies.

Why were these officials more knowledgeable about the presence of Kopassus forces in East Timor than you had claimed to be in evidence before this committee, Mr Dauth?

**Mr Dauth**—Mr Mules is often more knowledgeable than me. Almost every day there is an example of that in the office, I have to tell you.

**CHAIR**—So you are a mushroom, like me, are you?

**Mr Dauth**—No, Senator, absolutely not! I think the real answer to this question, and to so many other questions of this sort, is that it comes back to what I have said already: an enormous amount of information has been available to us. In both advising government and trying, with the best will in the world, to be helpful in the hearings of this Senate committee and others, we have to be careful, judicious and conservative about offering judgments. It does not serve the public record or your deliberations very well for us to be offering half-baked judgments.

I am not suggesting in any way that the judgments made in the discussion in Washington were half-baked, but I would want to be extremely careful in what I said for the record for a Senate inquiry because there is a particular significance to hearings of this sort. It is possible to have conversations in private and to rely a bit more selectively on some of the information available to us in coming to judgments, but I think it is quite a different thing to come to a public hearing of a Senate inquiry and make firm judgments. I for one will not come along and mislead the committee, and I did not then and I will not now.

**CHAIR**—I do not think you have ever misled the committee deliberately or otherwise, to the best of my knowledge, and I have never levelled that at you or any officers from the department of foreign affairs. I think it gets to the heart of the statement that I made here the other day, to which you offered no response, and I respect that, that as a Senate committee, whether it sits as this, being the references committee, or as an estimates committee, we are entitled to have the best information that you have available to you made available to us.

Whilst in the estimates we do not have available to us the process of going in camera, we do have that available to us in the references process. This references committee wants to seek out the best information that DFAT can reasonably make available to the committee. So, whilst there may be some sensitive matters in terms of intelligence—I and other members of this committee have always respected that—we have, even during the proceedings of this committee, gone in camera to take evidence from various people, and that was particularly Defence, to inform the committee better. We believe that at least the members of this committee should be as well informed as is reasonably practicable so that they can be convinced in their own right of the information that you put to us and of course the information that flows round out there in the general ether, some of which is mere wild speculation, some of which comes from reliable sources and, as you know and I know, there are document leaks that go on out there.

**Mr Dauth**—Very regrettably.

**CHAIR**—You are quite right, regrettably. I am not going to sit here at a hearing such as this and quote chapter and verse to you from a leaked document, or hold it up and ask you to identify this as being leaked document A, B, C, or D.

**Mr Dauth**—Of course, I cannot.

**CHAIR**—I know that, Mr Dauth. What I am trying to get to is that, as I said to you the other day, one of the broad criticisms that has been levelled at DFAT in this whole process is that DFAT has operated like a closed brotherhood and sisterhood. I would not exactly describe it as akin to the mafia. What I am trying to say is that it is a closed shop in terms

of information and the provision of information. Whilst the minister is undoubtedly well briefed, the elected representatives of the people in this parliament see themselves equally as having a role of obtaining the relevant information. So that is the context in which that is raised.

If I can just go on, the fact was that the presence of Kopassus units was reported in the press and from other public sources, for example. That seemed to have been general knowledge, and yet to get confirmation of that from the likes of you and other officers was difficult indeed. How great a lead time is there from the public exposition of this sort of information to the confirmation of it by DFAT—without compromising intelligence sources, and I have never asked anyone to do that, or compromising anyone in the field.

**Mr Dauth**—I think it is very often quite a long time, for obvious reasons.

**CHAIR**—So you might be on the pension when we are able to confirm a number of these things.

**Mr Dauth**—Well, I hope so. No, I am sorry, I withdraw that—I do not mean that at all. You asked me an earlier question about what I said at an earlier estimates hearing, and I answered that with the passage of time some things became clearer to us. That is often the case.

**CHAIR**—But some of these things were clear to some of us at that time. That is why the questions were being asked then. The question specifically to you is: why weren't DFAT officers such as you in the position to give us some sort of—

**Mr Dauth**—Definitive answer.

**CHAIR**—Yes.

**Mr Dauth**—Because I will not give the committee a definitive answer on the basis of inadequate information. At the time when I answered that question, the information was inadequate. The information was both inadequate as to clarity and more than adequate in terms of volume. We have had available to us all of this year an enormous amount of information every day, and we have had to make careful judgments for ministers about the likelihood of various assessments about that information. One of the truly irritating things, both as a public servant and as a citizen, about this appalling increase in leaking recently is that it relates to documents that include assessments with which I might well not have agreed at the time. They are assessments made on the basis of inadequate information. I am not reflecting on the officers who made these assessments. They were those officers' attempts to help government, to inform government. We might well at that time have come to quite different assessments, and ours might well have been as valid as the ones being leaked. But the documents being leaked are being leaked and used for specifically political purposes. That is not our game. We are simple public servants offering the committee and government the best advice we can. I gave the committee an answer that day which was the best answer I could give on that day.

**CHAIR**—There is one thing on which I definitely disagree with you there: I would not describe you as simple. On 13 August, you told the committee that the government at various levels had raised the question of security and violence in East Timor with the Indonesian government about 120 times. In light of the Indonesian military's behaviour prior to the ballot and the events following the ballot, what can we say about the effectiveness of those representations?

**Mr Dauth**—There is not a lot that you can say. Sovereign governments use whatever opportunities they have to influence each other, but there are limits to that influence. As ministers have said, for example, in respect of the proposition that we should have insisted that a peacekeeping operation be deployed in East Timor earlier than it was, we no more than any other country in the world were prepared to go to war with Indonesia to do that. So there are limits to the influence that one government has on another, and all you can do is push that influence to the limits. That is what we did.

**CHAIR**—A leaked DIO intelligence brief of 30 August gave the following assessment:

TNI will continue to foster violence against its perceived enemies but violence will remain orchestrated and its form and extent predictable at least for the next few weeks. Pro-Indonesian militant violence occurs within strict guidelines laid down by TNI and the purposes and functions of violence in the territory are clear.

Would the department accept the proposition that the violence in East Timor was highly orchestrated and controlled by the TNI, and what purposes do you think the violence was intended to achieve?

**Mr Dauth**—I have to say at the beginning again that I do not comment on leaked documents. If we can simply put that document to one side, I will do my best to answer the question.

**CHAIR**—That is fine. I am putting the issue in context.

**Mr Dauth**—Sure. I do not propose to answer the question in the context of a leaked document.

**CHAIR**—That was not the question.

**Mr Dauth**—The question I am very happy to address is the extent to which we believe the post-ballot violence was orchestrated by TNI. The answer to that is again that I am afraid there is no great clarity. Clearly, though, there was a heavy degree of complicity. I have said that before. There was a heavy degree of complicity between TNI and the militia. As to the motives for that violence, again, there is no great clarity, and one is immediately in the realm of the speculative. I think many in the militia believed that they could win the ballot or, if not win it, that it would be close enough for them to claim that the result was a marginal victory for independence only because of UN interference.

I think the heavy loss in the ballot, the extent to which the pro-independence cause won that ballot, came as a terrible psychological shock to many in the militia and many in the TNI who were complicit with them. I think that contributed, at least in part, to their

appalling behaviour in going out and looting, raping and pillaging. There may well have been other motives, there may well have been more refined motives on the part of TNI officers further up the food chain, but it is not very productive for me to speculate about what they might have been.

**CHAIR**—On 2 December, Mr Potts, you told the estimates committee that the UN Commission of Inquiry into atrocities in East Timor had approached the government on 30 November, seeking access to intelligence holdings in Australia which might assist their work. Can you advise the committee whether the government has come to any decision on this matter? It is, after all, a question which has been repeated and raised by the opposition on a number of occasions. Is the government concerned that the disclosure of intelligence information about atrocities in East Timor could further damage our relations with the Indonesian government? Will such concerns play a part in the government's decision on this issue?

**Mr Dauth**—The Prime Minister has made the government's position on this very clear. He has said that the Australian government will do the right thing, and we will.

**CHAIR**—On 6 December, I asked whether the committee could be provided with a copy of the findings of the department's survey of East Timorese opinion in 1998.

**Mr Dauth**—Yes. I am sorry, I did undertake to check on that. I apologise if we have not got back to you about that. I personally do not see any difficulty with us providing that to the committee, but I will just need to check with Mr Downer. I do not think there will be a problem there.

**CHAIR**—Moving on, in answer to a question about Australian government support for Indonesian sovereignty over East Timor at the time of Mr Howard's letter of 19 December 1998, Mr Dauth, you said, in part:

The judgment remained then, as it has been for many years on the part of the people from all parts of Australian political life, that East Timor, a small resource poor territory, which would flourish better the more its economy was thoroughly integrated with that of its large neighbours in other parts of Indonesia . . .

As much of East Timor's commerce was in the hands of the TNI or other Indonesian investors, how would the East Timorese people have benefited from continued economic integration with Indonesia?

**Mr Dauth**—It has always been our position of course that the East Timorese people would flourish as a part of Indonesia as long as they were not governed in the highly intimidatory way which was characteristic of the Indonesian government of East Timor for most of the 25 years that they were part of Indonesia. Implicit in your question is a proposition with which I would not disagree.

**CHAIR**—By remaining integrated with Indonesia the East Timorese people would not have benefited from the revenues Indonesia received from the zone of cooperation?

**Mr Dauth**—Not much anyway.

**CHAIR**—We see that is part of the problem in Aceh, where they are screaming about all the benefits that are coming out of the ground going to Central Java.

**Mr Dauth**—The situations are very different but the proposition you are laying on the table is quite right—I do not have a problem with it at all.

**CHAIR**—So wouldn't this have retarded the economic development of the East Timorese people?

**Mr Dauth**—Absolutely. But a very important part of our thinking at the time that the Prime Minister dispatched his letter was that Indonesia really had only one last chance to keep East Timor as part of Indonesia. That required a quite decisive shift in the Indonesian government's approach to East Timor. That shift involved the much publicised advocacy on our part of a long period of autonomy followed by some sort of act of self-determination but it also involved very significantly a shift in the quality of the government of East Timor. Indeed we had been saying for many years that the sort of intimidation and violence wreaked on East Timor by TNI was not only unacceptable to us in human rights terms but also not conducive to convincing the people of East Timor that their future lay with Indonesia. So we do not have a difference here, Senator.

**CHAIR**—On Monday your attention was drawn to a statement by Dr Calvert in his discussions with Mr Roth that:

... one of the central themes to achieving a resolution was to convince Timorese that they had to sort themselves out and to dispel the idea that the UN was going to solve all the problems while they indulged in vendetta and blood-letting.

This question was then put: given the fact that the government was already well aware of the TNI's role in organising and arming the pro-integrationist militias, why did the government put such an emphasis on the need to persuade the East Timorese to sort themselves out? You responded:

I think that it is worth recalling in this context that the East Timorese have sorted themselves out and did so during the early part of this year in a very impressive sort of way. The CNRT represents a very recent coalition in body politic which has been traditionally very fractious and I think that the interests of the East Timorese people have been advanced very significantly by the way in which East Timorese leaders have been prepared to put differences aside.

The CNRT was formed on 27 April 1998. It had been operating for almost 12 months by the time of the Calvert-Roth discussions. I put the original question to you again. Given the fact that the government was already well aware of TNI's role in organising and arming the pro-integrationist militias, why did the government put such emphasis on the need to persuade the East Timorese to sort themselves out?

**Mr Dauth**—Because it was important.

**CHAIR**—How was it important and why was it important?

**Mr Dauth**—I have said already that the greater measure of cooperation during the course of this year amongst East Timorese leaders has been of benefit to them. That is plainly the case; it is unquestionable.

**CHAIR**—During the recent estimates, Ms Bird, you said that the Australian government had been making representations to Jakarta seeking the disarmament of the militias and that the response had been positive. You added:

. . . the issue is making sure it is followed up on the ground and action is actually taken there.

However, General Wiranto was reported by AFP on 7 December as denying allegations of a systematic effort by militias to prevent East Timorese refugees in West Timor from returning to their homeland. He was quoted as saying:

It is feared that the refugees are reluctant to go back to their homeland because they are worried that what they will get in their home country, such as security guarantees, facilities and welfare, will not be as good as in the refugee camps.

Given the recent slowdown in refugees returning to East Timor and General Wiranto's denials about the role of militias, what can be done by the international community to remove the militia threat so that the remaining East Timorese in West Timor who do want to return to East Timor can do so?

**Mr Dauth**—More needs to be done. That is right.

**CHAIR**—Who needs to do it, and what needs to be done? Can you clarify that?

**Mr Dauth**—The entire international community needs to do it, and I think the contribution of Ambassador Holbrooke and Assistant Secretary of State Stan Roth in that context has been very important. We are very active with the Indonesians, and with the international community generally, in urging that every last East Timorese in West Timor who wants to go home can go home.

**CHAIR**—We are very quickly running out of time.

**Mr Dauth**—You are running out of senators, too.

**CHAIR**—Yes, that is always another problem. There is one other question I want to raise very briefly with you. In your opening statement the other day, you spoke about the fourth challenge being the substantive and just way that crimes committed in the pre- and post-ballot periods are going to be pursued. You spoke about forensic experts. We heard evidence from the International Commission of Jurists—and I raised this with the Department of Defence—that they offered expert forensic assistance to the Department of Defence from the Victorian Forensic Institute very early on in the piece. To say that Defence were tardy in getting back is an understatement. Four attempts by the International Commission of Jurists failed to get a response out of the Department of Defence. I understand that there was a joint committee between A-G, DFAT and the Department of Defence on this issue. Have you approached the International Commission of Jurists on this issue to see what advice they are prepared to give to you?

**Mr Dauth**—I do not know. Mr Potts may well be able to give you chapter and verse on that. I doubt it. I will recall for you though, Senator, that the CIET, the United Nations organisation very properly charged with this issue, has applauded INTERFET for the forensic work it has done and for the way in which it has preserved evidence in difficult circumstances.

**CHAIR**—It is not that. You said:

Australia will facilitate those efforts by identifying relevant Australian forensic experts and acting as an intermediary.

I am not bringing that into question. I am just saying that there is a source that could have been made available.

**Mr Dauth**—One source, Senator, but, with great respect, there are probably others. This is not a matter primarily for this portfolio. It is a matter primarily for the Australian Federal Police. They are handling this for the Australian government and doing so very well.

**CHAIR**—If you or Mr Potts would take that on notice and answer it more fully, then I would be only too pleased.

**Mr Dauth**—I think there is no need.

**CHAIR**—There are other questions which will need to go on notice to AusAID and maybe a few questions for DFAT, but we do not at this stage envisage that we will call the officers of DFAT or AusAID back. I thank the officers for attending this morning.

**Committee adjourned at 9.30 a.m.**

